

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

July 22, 2004

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, July 22, 2004, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Morris K. Dunlap, Vice-Chair; James Barfield; Bill Johnson; Bud Hentzen; Elizabeth Bishop; M.S. Mitchell; Harold Warner Jr.; Gary K. Gibbs; and Frank Garofalo. Ronald Marnell, Chair; Darrell Downing; John W. McKay Jr.; Denise Sherman and Bob Hernandez were not present. Staff members present were: John Schlegel, Director of Planning; Dale Miller, Current Plans Supervisor; Neil Strahl, Senior Planner; Scott Knebel, Senior Planner; Jamsheed Mehta, Transportation Supervisor; David Barber, Land Use Supervisor; and Lisa Estrada, Recording Secretary.

Metropolitan Planning Organization (MPO) ITEMS

1. Endorsing the "Local Partnership (KDOT Program) applications for funding streets and highway projects for 2007-2008, presentation by Jamsheed Mehta.

As a continuation of their local partnership program, the Kansas Department of Transportation (KDOT) is requesting project submittal for the KLINK Resurfacing, Geometric Improvement, and Economic Development projects. The MAPD assists/coordinates the application process for all cities and prepares the City of Wichita applications for submittal to KDOT. The KLINK project requests are for fiscal year 2007 (July 1, 2006 through June 30, 2007) and the Geometric and Economic Development projects are for fiscal year 2008 (July 1, 2007 through June 30, 2008). This is a discretionary program and KDOT will ultimately announce their selection in 2005.

- The KLINK Resurfacing Program is designed to improve roadway surfacing of City Connecting Links of the State Highway System.
- The Geometric Improvement Program is designed to improve geometric deficiencies on City Connecting Links.
- The Economic Development Program is designed to enhance the economic development of the State of Kansas through highway and bridge construction.

The KLINK, Geometric, and Economic Development projects were developed by the Planning Department in coordination with the City Manager's Office, Public Works Department, and Finance Department's Economic Development. Whereas the following project applications have been submitted to KDOT, it is necessary that the MPO review and endorse these projects.

<u>KLINK Resurfacing</u>	<u>KDOT%</u>	<u>KDOT Share</u>	<u>Local/Other Share</u>	<u>Total Cost</u>
1) Mill/overlay and existing shoulder Repair U.S. 54/400 from Turnpike (West of Webb. Rd.) to the East City Limits	50%	\$200,000	\$200,000	\$400,000

<u>Geometric Improvements</u>	<u>KDOT%</u>	<u>KDOT Share</u>	<u>Local/Other Share</u>	<u>Total Cost</u>
1) Widening the corridors along both South Broadway (46th St. S. to 48th St. S.) and 47th St. S. (Main to I-135)	20%	\$950,000	\$3,849,224	\$4,799,224

<u>Economic Development</u>	<u>KDOT%</u>	<u>KDOT Share</u>	<u>Local/Other Share</u>	<u>Total Cost</u>
1) Reconstruct and reconfigure Dugan, Pueblo, and Hoover Road from US-54/400 (Kellogg) to Harry	65%	\$2,000,000	\$1,090,000	\$3,090,000
2) Greenwich interchange at K-96	73%	\$1,500,000	\$560,000	\$2,060,000
3) Reconstruct and widen Tyler Road from Harry to Pawnee	75%	\$1,931,213	\$643,737	\$2,574,950
4) Construct an urban (curb and gutter) four-lane section with sidewalks at the 53 rd St. N. and Maize Rd. intersection	54%	\$700,000	\$597,398	\$1,297,398

(City of Maize)

Recommendation: That the MPO endorse the proposed projects and authorize the Chairman to sign on behalf of the MPO.

JAMSHEED MEHTA Planning staff presented report. Before you is a list of six project, five from the City of Wichita, one from the City of Maize, and it is regarding applications to be sent to KDOT as part of their local partnership program. There are three category of funds, the first is called KLINK, is for maintenance and overlay of connecting links that the city maintains for the State, the other is Geometric Improvement, only on connecting link highway but limited to geometric improvement for safety and for capacity improvements, the third category is Economic Development but on the Transportation level where one has to demonstrate how much of economic development will be spun off of the Transportation Project. We worked with the cities within Sedgwick County and the City of Andover about a month we gave them notices that we'd be hosting this meeting so that the MPO could endorse these projects, I say endorse rather than approval because there is no federal funding at this point in time, there is State funding and you as an MPO are usually approving federally funded projects. The State has asked that the MPO anyways go ahead and endorse the projects if they are consistent with your long-range vision. The projects are, and this is for years 2007-2008 US 400 or Kellogg from the Turnpike between Webb & Rock Road going east toward east City limits not a significant amount and the local share is \$200,000 generally these kind of dollar amount come from local budget of the Public Works Maintenance Department, 47th Street this was studied as part of the system enhancements it was a study paid for by System Enhancement funds of KDOT the study has concluded there has been no formal action of funding programming this all I can mention about this project is that south of 47th Street from 47th down to 55th there is a CIP project for year 2009 this intersection stand on it's own, if it is approved it will only cover that part which is City of Wichita's responsibility which is around the intersection as it goes further east toward interchange that would be KDOT. In a previous year, 2 or 3 years ago Hoover Road was awarded to the City of Wichita and Sedgwick County it was combined project that's under construction right now, this project is an extension of that and will connect Hoover Road at Harry Street to Dugan at US 400. We submitted this application last year as well in addition to all other applications in fact and one of them were approved so were re submitting this. Another Economic Development application is to put in the two missing ramps that connect to K-96 at Greenwich Road. We submitted this again last year could not get funded so were resubmitting it again. On the other side of the Mid Continent Airport is Tyler Road, last year we submitted this project as well, at that time the City was quoting a different business located somewhere approximately in this general area, this time around we've heard through the Finance Department that the City is trying to quote another business and if that business is successfully located somewhere in this vicinity this improvement will benefit that business, it's back on agenda for Economic Development. City of Maize, what they did last year under Economic Development was applying for a project from 53rd down to 45th. Because of the limitation that they have, specially from KDOT because they are a small city and the amount of state fund available to them is limited to the size of that city. They have limited their application at this time to fix the intersection of Maize Road and 53rd Street and extended half way down but not all the way down to 45th at this time. Another reason why this project is very important, if you recall the Northwest bypass and we are going through that series of exercises identifying what that geometry would be connecting existing K96 as it comes along from Hutchinson and bends into the new Northwest proposed bypass. If we don't have those 2 ramps which is preference of the local community, then a lot of that traffic is going to get down on these ramps take the local street which is Maize Road and then catch on Northwest bypass. What I would add from the City of Wichita projects, the Director John Schlegel presented this to the City Council, the recommendation was the City of Wichita projects be approved and staff be permitted to send these applications to KDOT. City of Wichita voted not to at that point in time approve these projects they wanted some more discussion as to whether it's in conformity with their 10 year Capital Improvement Program. Some of these projects are and some are not in conformance with CIP, what we are proposing to you as the MPO if you have no problems with the particular projects as presented then we send the applications to KDOT to meet the deadline, if the City of Wichita at a later point of time, week after if they wish to make a change then we will resend the application, it's quite likely they will approve all projects once they are informed of the fact that we are submitting projects that not typical CIP projects, and are therefore not on the local list originally. Mr. Chairman I will then ask that the MPO endorse these projects and authorize Chairman sign the record of action.

BARFIELD #3 Tyler Road from Harry to Pawnee, is that 2 or 4 lane right now?

MEHTA That's 2 lanes. North of Harry will be part of Kellogg improvement project it goes all the way down to Harry intersection from there what this proposal would do make it makes it a 4 lane arterial with turning lanes wherever needed.

BARFIELD Is that residential or commercial or industrial?

MEHTA There's no residential in that general area at this time, golf course on the west it's a Municipal Airport on the east side, the industrial development being proposed will be on east side on the airport property.

BARFIELD What's the traffic count right now?

MEHTA I can't tell you off hand but pretty low. This is all contingent on the fact that if there is a business there which is how we justify the street improvement. The street helps the business; the business helps us justify the funding for making it a 4 lane arterial.

BARFIELD Majority of this funding is local right?

MEHTA In this case the majority of the funding is KDOT funding.

MITCHELL On the Geometric #1 the 47th Street South, I'm sure you don't know, I want to be sure to raise the question, the structure where the Bog Slough crosses 47th Street is a major drainage structure in that area, if we were to miss the opportunity for this project to improve that drainage we will setback development upstream from there. I want to be sure to get that on record that needs to be part of this project.

MEHTA I will make a special note of that, Scott Logan should be aware of it, he's the one who'd be in charge of the City's charge of this project.

BISHOP What is the deadline?

MEHTA August 2nd is the State deadline.

GAROFALO I thought this project 47th & Broadway and I-135, I thought this was something that the State really wanted to do and was somewhat of a priority. Isn't in the CIP?

MEHTA The part that is in the CIP is the part from 47th Street South to 55th and it may include the intersection as well. There was a separate study done by the State and Wichita combined they used 50/50 split for funding that study the study concluded with additional capacity on 47th and on Broadway, on the state side they also had some severe concern about how those ramps work today, there's traffic going back all the way to the main highway lanes, they have concerns more recently they discovered that the bridge is deficient and there might be a sense of urgency on their side. This application is for the City of Wichita side; this application is only for the City of Wichita side access controls, relocating driveways, putting in a signal.

DUNLAP You said that some of this was to come from normal maintenance budget.

MEHTA The first project I mentioned on US 400, this would be a mill and overlay project, generally you won't find this in the Capital Improvement Program, your not adding through capacity your not doing a million dollar project, it's a maintenance project.

DUNLAP K96 & Greenwich, I thought I remembered the developer on the northwest side of that intersection was going to be paying for the ramps, is that not the case.

MEHTA The developer at that time worked with Sedgwick County and split the cost of doing the two existing ramps, if you recall about 5 or 6 years ago there was no interchange there. These two ramps that are their today is what the developer paid part of and the rest from Sedgwick County.

DUNLAP That particular area, I think everyone is aware of will get red hot and we need those ramps, we also need 4 lanes all the way up to 254.

MOTION: The recommend action here is to endorse this and authorize the Chairman to sign that so the application can be made.

JOHNSON moved, **DUNLAP** seconded the motion, and it carried (9-0).

❖ **SUBDIVISION ITEMS**
2. **Consideration of Subdivision Committee recommendations.**

2-1. **SUB2004-71 – One Step Final – HONG'S ADDITION, located on the north side of 31st Street South and west side of Webb Road.**

NOTE: This site has been approved for a zone change (ZON 2002-04) from SF-20, Single-Family Residential to LC, Limited Commercial. A conditional use (CON 2002-19) has also been approved for Outdoor Display and Storage. This site is located in the County within three miles of Wichita's city limits. It is in an area designated as 2010 Urban Service Area by the Wichita-Sedgwick County Comprehensive Plan.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and City water services. 10-ft utility easements shall be platted around the perimeter of the property.
- C. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan is needed.**
- D. The vicinity map needs to be corrected.
- E. **County Engineering** needs to comment on the access controls. The plat denotes two openings along 31st St. South. **County Engineering has approved the west opening. County Engineering recommends that the east opening is closed and the drive on the south side facility be relocated west in alignment with the drive on the north side.**
The Subdivision Committee has required a meeting between the Applicant and County Engineering to resolve this matter.
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. Per **Sedgwick County Fire Department**, access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire

length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) To meet fire department specifications, the surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).

- H. The benchmark needs to be corrected.
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.
- K. The Applicant is reminded that the Conditional Use approval required the dedication of a contingent right-of-way along the east property line of the Hong's Village Addition located to the south.
- L. The West line of the SE ¼ of section 5 needs to be denoted correctly.
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities, which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

NEIL STAHL Planning staff presented staff report. At Subdivision Committee we did have an issue regarding access however subsequently to the Subdivision Committee meeting that issue has been resolved per item E where County Engineering has approved two access openings to the property and a contingent dedication restricting the eastern opening to rights in and rights out only. No other major issues were involved.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **GIBBS** seconded the motion, and it carried (9-0).

2-2. SUB2004-72 – One Step Final – HARRIS ADDITION, located on the south side of Harry and west of Rock Road

NOTE: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted along with an appropriate utility easement. **Fees in lieu of assessment are needed to connect to water services.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. Private stormwater improvements are needed at time of site development. Stormwater Management should be contacted regarding the platting of a minimum pad.**
- D. The plat proposes one joint opening along Harry with the property to the west. Distances should be shown for all segments of access control. **Traffic Engineering has approved the proposed opening as a right-in/out opening only.**

The Subdivision Committee has required a meeting between the Applicant and the Traffic Engineer to resolve this issue.
- E. A cross-lot access agreement with the property to the west shall be provided.
- F. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- G. The legal description needs to be corrected to delete reference to Tract B and to revise Tract A.
- H. The frontage dimension needs to be corrected.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities, which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

NEIL STRAHL Planning staff presented the staff report. This was reviewed last week by our Subdivision Committee. There was an objection by the applicant last week regarding access with the one joint access opening where Traffic Engineering had limited it to rights-in and rights-out. Traffic also wanted cross-lot access with the property to the west so that Lot 1 could have access on to Gouverneur Road. Subdivision Committee directed the applicant to meet with Traffic Engineering. I was just informed prior to the meeting today an agreement has been reached. Traffic Engineering will drop their request for the cross-lot access, and the

applicant will in-turn provide rights-in and rights-out openings at that point. We will reflect in the staff report accordingly to drop item E regarding the cross lot access in accordance with the compromise.

JOHNSON During Subdivision there was some discussion there could be a project that's going to take place on Gouverneur.

STRAHL I haven't heard any word on that.

MITCHELL With regard to that, it was my understanding in hearing the Water Department representative to the Utility Advisory Committee indicate that as far as they were concerned, Gouverneur could be vacated. What I wanted to point out was the City owns considerable parcels of land west of Gouverneur and south of the frontage on Harry Street. I don't want to see Gouverneur vacated, and cut off the access we have to that area.

BISHOP I was not at the Subdivision meeting when this was considered, and as someone who lives in that general area, although not real close to the subject property, I will say with the overpass having some traffic restriction in that area would be a good idea because it narrows down, and I'm not sure if they're ever going to be able to widen it.

MOTION: Approval subject to staff comments, with removal of the cross lot access, item E.

MITCHELL moved, **GAROFALO** seconded the motion.

BARFIELD You stated that prior to this meeting that you had been informed that there was an agreement reached in regard to the right-in, right-out, and the elimination of item E.

STRAHL Yes.

BARFIELD Where's the confirmation on that? No one spoke to agree with that, and the representative from the City didn't acknowledge it.

STRAHL The applicant is here and Traffic Engineering was here.

TIM AUSTIN AM CONSULTING Agent for the applicant, we had a discussion. Up until that point we hadn't reached an agreement. I can assure you we did agree on that.

BARFIELD Just wanted to hear you say that.

MOTION CARRIED: 9-0

2-3. SUB2004-24 – Final Plat – LOTUS ADDITION, located on the north side of 47th Street and west of Rock Road.

NOTE: This unplatted site is located in the County within three miles of Wichita's boundary. It is located in an area designated as "rural" by the Wichita-Sedgwick County Comprehensive Plan, and outside the area that can be served at this time by the City sewer system.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. In accordance with Access Management Regulations for County plats, complete access control is required for arterials intersecting with local streets. Complete access control of 75 feet is needed along Serenity.
The requested access controls have been platted.
- E. The plat denotes one opening along 47th St. South. **County Engineering has approved the access controls.**
- F. Per **Sedgwick County Fire Department**, access drives to any structures in access of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) To meet fire department specifications, the surface needs to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed.)
- G. The applicant shall guarantee the installation of the cul-de-sac to the 36-ft rock suburban street standard.

- H. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA - NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed."
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. **GIS** has requested the street name be denoted as "Serenity Cir".
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities, which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- U. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

2-4. SUB2004-81 – One-Step Final Plat – FROST FARMS ADDITION, located on the east side of 167th Street West and south of 71st Street South.

NOTE: This site is located in the County in an area designated as "rural" by the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan. It is located in the Clearwater Area of Influence. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, **County Code Enforcement** recommends connection.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. **County Engineering** needs to comment on the access controls. The plat denotes one opening along 167th St. West. **County Engineering and MAPD recommend the opening be limited to the south 200 feet of the property. A cross-lot access agreement is requested with property to the south. Closure of the driveway on the south property is requested upon construction of the new drive. A driveway closure certificate should be provided.**
- F. A Block shall be designated on the face of the plat as referenced in the plat's text.
- G. The Applicant has platted a 25-foot building setback, which represents an adjustment of the Zoning Code standard of 30 feet for the RR, Rural Residential District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- H. "A Lot and a Block" shall be referenced in the plat's text.
- I. **GIS** has requested the arterial street be denoted as "167th St W".
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. Clearwater Planning Commission has recommended perimeter utility easements.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- T. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- U. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

- 2-5. **SUB2004-85 – One-Step Final Plat – WOODLAWN NORTH POINTE ADDITION, located south of 29th Street North and on the east side of Woodlawn.**

NOTE: This is a replat of a portion of Lot 1, Hinkle's Addition and was included as Tract A in a Lot Split (SUB 2003-129) approved June 2004.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. A guarantee is needed for drainage improvements.**
- D. **Traffic Engineering** needs to comment on the need for any improvements to Woodlawn. **A petition for a left-turn lane has been provided prior to plat submittal.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes three openings along Woodlawn in accordance with the Lot Split approval. **The access controls are approved.**
- F. The designation of the quarter in the legal description is incorrect.
- G. The spelling of Sedgwick needs to be corrected in the plat title.
- H. A covenant shall be submitted regarding Reserve A, platted for private drive purposes, which sets forth ownership and maintenance of the private drive, and future reversionary rights of the reserve to the lots benefiting from the reserve. The plat's text shall reference the platting of the reserve for private drive purposes and shall state which specific lots are to be accessed by the reserve.
- I. The reserve being platted, as a private street shall be labeled as a "private drive" since it is not in accordance with the 70-ft commercial street standard. A street name shall not be indicated.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant, which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. **City Fire Department** has requested a turnaround for Reserve A at the easterly terminus unless an alternate turnaround is available within an adjoining lot. **The private drive will connect with the parking lot on the adjoining lot to the south.**
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within 30 days after approval by the City Council and/or County Commission.

- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. SBC has requested additional easements.
- W. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

2-6. SUB2004-86 – One-Step Final Plat – THE WATERFRONT FIFTH ADDITION, located on the north side of 13th Street North and east of Webb Road.

NOTE: This is an unplatted site located within the City with the exception of a portion of Lot 2.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the appropriate portion of Lot 2 will need to be completed.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. A drainage guarantee shall be provided. A drainage easement needs to be platted.
- E. The plat proposes three access openings along 13th Street North. The plat's text references access controls as being in accordance with minimum spacing standards of the access management regulations. A joint access easement(s) should be provided.
- F. Traffic Engineering needs to comment on the need for any improvements to 13th St. North. Traffic Engineering requests left and right turn lanes.
- G. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA - NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed."
- H. The sidewalk and utility easement shall be referenced in the plat's text.
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. The Applicant is advised that if platted, the building setbacks may be reduced to 20 feet.
- K. The legal description does not match the plat boundary.
- L. The dimension on the east line of Lot 2 needs to be corrected.
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of

Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- W. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

2-7. SUB2004-82 – One-Step Final Plat – SOUTHERN RIDGE SECOND ADDITION, located on the south side of Pawnee and west of Maize Road.

NOTE: An overall preliminary plat was approved for the site in October 2002. The street layout has been revised with this plat.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved by City Engineering. An off-site drainage easement is needed. County Engineering requests a drainage plan.**
- D. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac (64-ft) streets.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant, which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. The applicant shall submit a covenant, which provides for four (4) off-street parking spaces per dwelling unit on each lot, which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- H. The 25-foot building setback for Lots 12-15, Block A needs to be labeled correctly.
- I. **GIS** needs to comment on the plat's street names. **Revised street names are needed. The west Maxwell Ct should be Prescott Cir. The east Maxwell Ct should be Fieldcrest Cir. Fieldcrest St should continue south around the curve to the Lark intersection. Savannah should be deleted. Lark continues from the north around the curve meeting with Fieldcrest at the intersection. Atlanta should be Atlanta Cir.**
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. For any lots with existing tree rows that may be impacted by the installation of utilities, it is recommended that 30-ft utility easements be platted in order to allow for the installation of the utilities without damage to such tree rows.
- L. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County.

Engineer, and unobstructed to allow for the conveyance of stormwater.

- M. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- T. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy and SBC have requested additional easements.
- U. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

2-8. SUB2004-83 – One-Step Final Plat – CLARKDALE FOURTH ADDITION, located NORTH OF 63RD street South and on the east side of Seneca.

NOTE: This is a replat of Lot 13, Clarkdale Subdivision. The site has been approved for a zone change (ZON 2002-73) from SF-5, Single-Family Residential and GC, General Commercial to OW, Office Warehouse. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. City water services are available to serve the site.
- B. Since sanitary sewer is unavailable to serve this property, the applicant shall contact City Environmental Health Department to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- C. City Water and Sewer Department requests a petition for future extension of sanitary sewer services.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. Minimum pad needs to be platted.
- F. Traffic Engineering needs to comment on the need for any improvements to Seneca. No improvements are needed.
- G. Traffic Engineering needs to comment on the access controls. The plat proposes one opening along Seneca. One access opening is approved at the north property line limited to rights-in/out only.
- H. Traffic Engineering has requested a cross-lot access agreement with the commercial property to the north to allow for access to the rear of the property.
- I. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within

10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.

- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **SBC has requested additional easements.**
- T. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

2-9. **SUB2004-84 – One-Step Final Plat – EASTSIDE COMMUNITY CHURCH SECOND ADDITION, located on the northwest corner of 21st Street North and 143rd Street East.**

NOTE: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. City water services are available to serve the site. **Fees in lieu of assessment regarding water connections are required; or in the alternative a petition may be provided for extension of water north on 143rd St. East.**
- B. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted. **City Engineering** needs to comment on the need for other guarantees or easements.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. County Engineering requests a drainage plan. A portion of the plat appears to either abut or encroach upon a special flood hazard area (zone A).**
- E. The vicinity map needs revised to correctly reference 143rd Street.
- F. **Traffic Engineering** needs to comment on the access controls. The plat proposes one opening along both arterial streets. **The**

access controls are approved.

- G. **Traffic Engineering** has requested a left turn lane along 21st St North.
- H. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- P. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Q. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

2-10. DED2004-18 – Dedication of a Utility Easement, for property south of Kellogg, east of Webb Road.

CASE NUMBER: DED 2004-18 -- Dedication of a Sanitary Sewer Easement from Louis E. and Norma Jean Weiss, Trustees, Louis E. Weiss Revocable Trust, and Nestor R. Weigand, Jr., 150 N. Market, Wichita, KS 67202, for property located south of Kellogg, east of Webb Road.

AGENT/SURVEYOR: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LEGAL DESCRIPTION: A ten-foot sanitary sewer easement for a tract of land lying in the NW ¼ of Sec. 28, T27S, R2E of the 6th P.M., Sedgwick County, Kansas, and lying in Lot 1, Block A, Pizza Hut Second Addition to Wichita, Sedgwick County, Kansas, described as follows:

Beginning at the southeast corner of E.M. Stevens Fourth Addition, Wichita, Sedgwick County, Kansas; thence easterly along the extended south line of said addition, 55.00 feet to a point on the west line of Lot 1, Block A, in Pizza Hut Second Addition; thence continuing easterly along the extended south line of said E.M. Stevens Fourth Addition, 50.00 feet; thence northerly parallel with the west line of Lot 1, Block A, Pizza Hut Second Addition, 20.00 feet to the intersection with the easterly extension of the north line of a 20-foot utility easement as granted in E.M. Stevens Fourth Addition; thence westerly along said extended easement line, 50.00 feet to a point on the west line of Lot 1, Block A, Pizza Hut Second Addition; thence continuing westerly along said extended easement line, 55.00 feet to a point on the east line of E.M. Stevens Fourth Addition; thence southerly along the east line of E.M. Steven's Fourth Addition, 20.00 feet to the point of beginning.

PURPOSE OF DEDICATION: This Dedication is a requirement of a lot split case (SUB 2003-09) for the purpose of constructing, operating, maintaining and repairing a sewer line.

STAFF RECOMMENDATION: Accept the Dedication.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **MITCHELL** seconded the motion, and it carried (9-0).

❖ **PUBLIC HEARING — VACATION ITEMS**

Items 3-1 may be taken in one motion, unless there are questions or comments.

3-1. VAC2004-31 – Request to Vacate a Portion of Street Rights-of-Way, located north of Central and east of Waco.

<u>APPLICANTS/OWNERS:</u>	The Quarters Owners Association c/o Ted Knopp
<u>LEGAL DESCRIPTION:</u>	That portion of the Waco Avenue ROW, containing a portion of a parking lot and a monument sign abutting the north side of Lot 1, Park Plaza Third Addition, as recorded with Wichita, Sedgwick County, Kansas That portion of the Wichita Street ROW north of Central Avenue, abutting the east side of Lot 1, Park Plaza Third Addition, as recorded with Wichita, Sedgwick County, Kansas
<u>LOCATION:</u>	Generally northeast of the Waco Avenue and Central Avenue intersection, and north of the Wichita Street and Central Avenue intersection.
<u>REASON FOR REQUEST:</u>	Allow Waco Avenue ROW containing parking lot and sign to revert to private property and allow undeveloped Wichita Street ROW to revert to private property
<u>CURRENT ZONING:</u>	Site is zoned "GO" General Office. Property north and east of the site is zoned "LI" Limited Industrial. Property south of the site, across Central, is zoned "LI" and "CBD" Central Business District. Property west of the site is zoned "B" Multi-family Residential.

The applicants are requesting consideration to vacate;

- (a) A portion of the Waco Avenue ROW that is currently developed with a portion of the applicant's parking lot and a monument sign. This portion of ROW is abutting the north side of the applicant's property, Lot 1, the Park Plaza Third Addition. The applicant has a minor street permit, in effect since January 1983, allowing the parking lot and a monument sign in the ROW. The current configuration of this portion of the Waco Street ROW was established by the Park Plaza 1st Addition, which was recorded with the Register of Deeds August 1, 1969. The subject site was originally identified as "Reserve C" in the Park Plaza 1st Addition, with its uses restricted to public open space and a "limited access highway". The site was subsequently replatted as Lot 1, the Park Plaza Third Addition, which kept the site's configuration and size the same, but removed its use restrictions. There is a platted 20-foot setback, which follows the Waco frontage of the site. There is no water or sewer in this portion of the Waco ROW. The Park Plaza Third Addition was recorded with the Register of Deeds July 12, 1982.
- (b) The undeveloped west half of the Wichita Street ROW, which abuts the east side of the applicant's property, Lot 1, the Park Plaza Third Addition. This portion of the Wichita Street ROW is currently not developed, but is planted with grass and trees. The applicant has not proposed a use. The Wichita Street ROW was originally dedicated on the Munger's Plat of the Original Town, which was recorded with the Register of Deeds October 1, 1870. A portion of the east half of Wichita Street was vacated in 1987; vacation case V-1459. A condition of this vacation included the realignment of Wichita Street to the west of the remaining Wichita Street ROW. Another portion eastern portion of Wichita Street was vacated in 1996, V-1956, with a condition that a portion of the vacated ROW be retained as a public utilities easement. There is no sewer in this portion of the Waco ROW, but there is water.

Ordinance No. 361 granted Railroad ROW over the original Wichita Street ROW for a period of 999 years in 1886. The Railroad ROW was abandoned in the mid – late 1990s, with the tracks subsequently removed. The City Council voted in 2002 to develop sections of abandoned Railroad ROW in the Delano and Midtown areas into a linear park, for pedestrian traffic; this portion of Wichita Street is a part of the linear park.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff does not recommend the vacation of this portion of Wichita Street, having earlier noting that this portion of Wichita Street has been designated as a part of a linear park. Staff also notes that the eastern abutting property owner, Sedgwick County, has not signed the petition to vacate this portion of Wichita Street, to which they have access rights. Planning Staff does recommend approval to vacate the portion of the Waco Street ROW, as described with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time June 17, 2004 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portions of the street ROW and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the portion of the Waco Avenue street ROW, described in the petition should be approved with conditions:

- (1) Vacate that portion of the Waco Street ROW that currently contains the applicant's monument sign and a portion of their parking lot, as under contract for a minor street permit with the City of Wichita. Provide an accurate metes and bounds description of the vacated Waco ROW, providing a minimum of 14.5-feet of ROW from the back of the existing curb to the new property line established by this vacation case.
- (2) The setbacks for the vacated portion of Waco Street ROW will be per the UZC's "GO" zoning district. Any encroachments by the existing development on this portion of Waco ROW into these setbacks created by the vacation will be forgiven.
- (3) Per the recommendation of the franchised utilities, retain any portion of the vacated Waco ROW as utility easements, where franchised utilities are located.
- (4) Provide a covenant binding the vacated portion of Waco ROW to Lot 1, the Park Plaza Third Addition.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (7) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate that portion of the Waco Street ROW that currently contains the applicant's monument sign and a portion of their parking lot, as under contract for a minor street permit with the City of Wichita. Provide an accurate metes and bounds description of the vacated Waco ROW, providing a minimum of 14.5-feet of ROW from the back of the existing curb to the new property line established by this vacation case.
- (2) The setbacks for the vacated portion of Waco Street ROW will be per the UZC's "GO" zoning district. Any encroachments by the existing development on this portion of Waco ROW into these setbacks created by the vacation will be forgiven.
- (3) Per the recommendation of the franchised utilities, retain any portion of the vacated Waco ROW as utility easements, where franchised utilities are located.
- (4) Provide a covenant binding the vacated portion of Waco ROW to Lot 1, the Park Plaza Third Addition.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (7) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void.

WARNER Declared he had a conflict of interest.

DALE MILLER Planning Staff presented the staff report. There were two segments of this vacation request, one just off Waco with another request to do the west half, approximately, of Wichita Street. The Subdivision Committee recommended approval of the Waco portion but did not recommend approval of the Wichita street portion. The applicant called yesterday and said they would like to proceed with the Waco portion but they would like to have more discussion with staff about seeing if there's a way to reach an agreement on at least vacating a portion of what's left of Wichita street. Staff is agreeable to holding more discussions. So if it meets with your favor, we recommend you approve the Waco portion and then authorize staff to have more discussions with the applicant regarding Wichita Street, and then bring the request back to you for consideration.

DUNLAP Does that mean we finish 3-1. There will be a new item when it comes back?

MILLER We'll find a way to divide them up. Probably will end up being a new item.

DUNLAP As long as the applicant isn't charged with additional fees.

MILLER We wouldn't be doing that.

TED KNOPP QUARTER OWNERS ASSOCIATION We do have a contract with The City of Wichita for the portion of Waco Street. The west side of Wichita Street, the original Wichita Street, was platted with 90 feet which means 45 feet on each side would generally belong to each side of the street. The County has had their half of Wichita Street vacated, leaving 45 feet, and the staff has indicated that the linear park requires 20 feet. We would like to see if the other 25 feet remains available. The west 25 feet of

that street remains available for reclaiming as a part of our property to improve landscaping, and protect the trees on the southern side. We would like to go back with a chance to accommodate both usages and reclaim as much of our property as we can.

BARFIELD How much of this actually is included in railroad right-of-way?

MILLER How much Wichita Street right-of-way? I don't know. I know that Bill mentioned that the railroad was located in the street right-of-way. I assume that all the railroad usage would have been in Wichita Street right-of-way.

BARFIELD The City Council voted in 2002 to develop sections of that railroad right-of-way, and I want to find out if what part of that the City's already planning to develop.

MILLER The only way I know to answer is the railroad; the area that the railroad was using is entirely contained within the Wichita Street right-of-way. They vacated the east half. Where the railroad tracks actually were in that 90 feet of right-of-way. I can't answer if that's what you're actually asking.

DUNLAP I'm going to ask the same question a different way. Elizabeth might be able to help us. In the Midtown Redevelopment plan part of the Linear Park, was the railroad right-of-way; is this a portion of that?

BISHOP That's my understanding, however the plan that's been at least potentially funded with federal money may not go this far south. I can't remember for sure.

MITCHELL That's part of the CORE.

BISHOP Murdock was the dividing line.

MITCHELL I'm not sure that it will help you at all. The railroad occupied the center portion of the 90 foot right-of-way, the street left on either side, I'm not sure of that.

MILLER I don't know. It's just my understanding that the railroad portion that was being used is located within that 90 feet.

MITCHELL (inaudible)

DUNLAP The question here is when the railroad abandons the property down the center; is divided and it goes to the property on each side right?

MILLER The street right-of-way would then take precedence.

DUNLAP Okay, we need to vacate the street right-of-way but today's question is only the little corner piece, and we're going to ask you to get back together to have more discussions on the vacation of the street right-of-way.

MILLER Correct.

DUNLAP Everybody understands where we are with that?

MOTION: Approve that the little triangle portion on Waco.

HENTZEN moved, **MITCHELL** seconded the motion, and it carried (8-0-1) **WARNER** abstained.

DUNLAP Let the record show that Mr. Warner's rejoining us.

❖ **PUBLIC HEARING — ZONING ITEMS**

4. **Case No.: CON2004-21** – Charles L. Rude request Sedgwick County Conditional Use to permit a horse boarding, breeding, training stable, and riding arena on property zoned "RR" Rural Residential

The West 340 feet of the South 1340 feet of the Southwest Quarter of Section 13, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, except the South 40 feet thereof for road. Generally located at the northwest corner of 47th Street South and 143rd Street East.

BACKGROUND: The applicant is seeking a Conditional Use to permit a horse boarding, breeding, training stable and riding arena on 10 acres zoned "RR" Rural Residential located at the northeast corner of 47th Street South and 143rd East. The applicant has been operating Lone Pine Stables at this location since 1992, but wishes to expand the stable's infrastructure by adding a covered riding arena, and obtain a Conditional Use for his existing corrals, pastures, outdoor riding, training, and exercise areas to remove any cloud of nonconforming use status to his operation. The covered riding arena has been constructed and would have interior lighting only.

The site may have nonconforming use rights to some intensity of horse boarding, breeding and training as the previous owner has submitted a letter indicating, in addition to their own horses, they boarded, raised and bred horses for others in the horse industry. Mrs. Ruth-Shawver states that her family began their horse operation in 1976. County Code Enforcement has not made an official interpretation regarding what level of nonconforming rights the applicant may have, as they prefer to await the results of this Conditional Use request. If this request were to be approved, a determination of the site's nonconforming rights would not be necessary.

Currently the site has a: home, round training pen, walker, stable, corrals/pastures of various sizes, pond, lagoon and parking areas. (See attached site plan.) The applicant has facilities to board 22 horses. On the busiest days eleven vehicles may come and go from the site, on a typical day the number of trips is smaller. Parking and driveways are graveled. Services provided by the applicant include: boarding, foundation training, beginner lessons and horse rental. The site has driveway connections to both section line roads. Currently stall cleanings are hauled to the very northeast corner of the applicant's property and composted. The owner indicates in a typical year most of the material is ultimately picked up by nearby property owners and used in their gardening.

Located directly west, across 143rd Street, from the applicant's property is the applicant's family's 240-acre farm, established in 1887. The land immediately to the east of the site is broken into a series of large lot residential tracts with the smallest being 5 acres in size. These smaller tracts are all developed with homes. The properties to the south and southwest are much larger agricultural tracts. Land to the north is divided into a series of large tracts, under a single ownership. All nearby land is either used for agricultural and/or home site purposes, and zoned "RR" Rural Residential. There currently is a cattle operation located north of the site, and there is, or has been, cattle raised on the property located to the south.

At the time this report was prepared, staff had received two phone calls expressing opposition to the request. They expressed concerns about any intensification in the business appearance of the applicant's property that would negatively impact their property. They also cited the existence of private covenants that prohibit commercial livestock operations. One caller expressed concern over odor, flies, and increased traffic. In response to the concerns, the applicant has hired someone to provide additional file control, and indicated he might be able to move the manure pile to another location, if necessary. With respect to a private covenant prohibiting a commercial livestock operation, it has no bearing on this Conditional Use request. Private land use covenants are expressly that, private agreements between the buyer and the seller of the land. Governments are not typically made a party to any covenants, therefore enforcement of the covenant restrictions would not be a County matter, but would be a private matter between the landowners who are a party to the restrictions. If the request is approved, but the covenants are upheld, presumably the applicant would be prohibited by the court from using the Conditional Use.

(Staff has not reviewed any covenants dealing with this request, and is not commenting on their enforceability or effectiveness, but is expressing a general principle regarding private covenants and public land use regulations. With these comments staff is also not intending to discourage property owners subject to any applicable covenants from enforcing the conditions contained in the covenants to the maximum extent possible.)

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential; agriculture
SOUTH: "RR" Rural Residential; agriculture, farmstead
EAST: "RR" Rural Residential; large-lot residential
WEST: "RR" Rural Residential; agriculture

PUBLIC SERVICES: Public sewer service is not available; the site uses a lagoon. The site is located within Sedgwick County Rural Water District No. 3 boundaries. 143rd Street is an unpaved two-lane facility. 47th Street is a paved two-lane facility.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" map depicts the site as appropriate for "rural" uses. The "rural" category denotes land that is located beyond the 2030 urban service boundary for Wichita, and it is also beyond the growth areas for any of the smaller communities located within Sedgwick County. The rural designation is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provision for future water and sewer services.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

- A. The site shall be developed and maintained in general conformance with the approved site plan. In addition to those uses permitted in the "RR" Rural Residential district, the site shall be limited to the following uses: boarding, breeding and training of horses and riders and riding arena.
- B. All applicable permits and licenses shall be obtained in a timely basis (e.g. on-site sewage and water wells, building permits, zoning and animal waste handling and disposal).
- C. Animal wastes from areas where the animals have been confined shall be gathered as needed and as weather permits to prevent flies and odor. The gathered waste shall be disposed of in a manner acceptable to Sedgwick County Code Enforcement.
- D. The horse stable facility shall be maintained free of rodent harborage, including but not limited to improperly stored materials, enclosed partition walls and wooden floors closer than 12 inches to the ground. Grain or protein feed shall be stored in tightly covered rodent-proof metal container or rodent-proof bins. Use shall be made of rodenticide and insecticides for control of rodents and flies. The horse stable shall be cleaned at least once each week, or more often if necessary, to prevent or control odors, fly breeding and rodent infestation.
- E. Weeds and grass around the stable and corral areas shall be controlled and kept at a height that they do not provide a fire hazard or harbor vectors such as mosquitoes or vermin.

- F. The horse stable and any associated board fences or wooden horse shelters shall be protected from deterioration by an appropriate water proofing method. The stable building, fences and shelters shall be constructed of dimensioned building materials. Pipe fencing is permitted and shall be maintained in good repair.
- G. The maximum number of horses to be boarded at any one time is 22, plus any foals which may be stabled with the mare for a period of one year, at which point they would be stabled separately and count toward the specified limit of 22 horses. The limit of 22 horses includes the applicant's horses. In addition to the 22 horses that may be boarded on-site, an additional 20 horses may be permitted for equestrian events lasting up to three days, four times a year. Additional non-boarded horses may be permitted for equestrian events so long as the total number of horses on-site at any one time does not exceed 42.
- H. All equestrian facilities shall be used only by the property owner, the owner's customers and their guests.
- I. The buildings and structures associated with the horse stable shall be open to unannounced inspection by Sedgwick County Department of Code Enforcement and Health Department personnel during reasonable hours to insure continued compliance with the requirements of this Conditional Use.
- J. All covered riding arena related activities shall cease by 10:00 P.M., and any arena related outdoor lighting shall be turned off by 10:30 P.M. Outdoor riding and training activities shall not begin before sunrise and shall cease by 10:00 P.M.
- K. The number of non-resident employees shall not exceed five persons.
- L. No public address systems can be employed in a manner that permits the sound to be heard beyond the applicant's property boundaries.
- N. Any violation of the conditions of approval of this Conditional Use shall declare the Conditional Use permit null and void.

This recommendation is based on the following findings:

- 1. The zoning, uses and character of the neighborhood: All surrounding properties are zoned "RR" Rural Residential, and used for agricultural or large-lot residential purposes. This area is rural in character with farming and cattle operations and scattered large-lot residences. Significant portions of the land area in this portion of the County are used for agricultural activities, such as pasture, hay, wheat or cattle.
- 2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "RR" Rural Residential, and could be used as currently zoned. The site may have nonconforming use rights to operate some level of horse breeding, training and stable activities.
- 3. Extent to which removal of the restrictions will detrimentally affect nearby property: The stable exists today and the nearby properties appear to be well maintained and do not appear suffer any ill effects from this operation. Also, the conditions placed on the development by the Conditional Use and various code requirements further minimize negative impacts.
- 4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request will eliminate a nonconforming use. Denial would maintain the nonconforming use status and probably limit the applicant's ability to grow his business.
- 5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Sedgwick County Development Guide" map depicts this site as appropriate for "rural" uses. The rural designation is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provision for future water and sewer services. Equestrian activities and agricultural sales and service uses are appropriate for rural areas and would be consistent with the Plan's recommendations
- 6. Impact of the proposed development on community facilities: Given the fact that the use already exists, minimal, if any negative impacts would occur if this request were approved. Traffic may increase to some degree, but any increases should be able to be met by existing improvements or proposed conditions of approval.

DALE MILLER Planning staff presented the staff report. There is a home located in this location. There are corrals, training pins, exercise facilities; there's parking, there's a barn. That is the current stable, and just north of this is the location of the covered riding arena that has triggered this request for a Conditional Use. The site plan is attached to your staff report; it shows in picture form what I just described off the aerial. This is the covered arena. It is a Quonset shaped structure with a nylon covering. The bottom and sides are open. The applicant has been operating what he calls Lone Pine Stables since approximately 1992. It is my understanding from talking to the applicant that there's another one of these structures roughly in the same area only on a larger parcel and located a little more remote from roads. In talking with them this gentleman, he was under the impression that he could build this as an agriculture exempted use, and so the structure went up. Somebody from County Code drove by, and noticed it didn't have a permit, so that's how we got here. He is filing for this Conditional Use. As indicated in the staff report, staff has received a letter from the property owner who sold this property to the current applicant. I did not include that letter in the staff report, but there's a paragraph that discusses this, mostly because it doesn't have anything to do with this request, but it gives you background that the original owner was operating a boarding, breeding and training center at the time that they lived there, and they were also taking in animals from other people besides just themselves. The current applicant may have rights to a non-conforming use to some level. County Code Enforcement has declined to determine what those non conforming rights are at this point because if this is approved then they won't need to do that, but if this request is denied, then the applicant will have the ability to ask them to define what rights he has as a non conforming use. He has indicated that he currently has facilities to handle 22 horses. It is a low traffic use. 47th Street is paved; 143rd Street is not. He picks up manure and hauls it to the far northeast corner of his property. The only reason I bring this up is there are a couple of letters that had been placed at your table from neighboring property owners, and they pointed out that they can smell manure and it generate flies. In talking with the applicant he has indicated if that's an issue for

them, he may be able to find another place to locate that material, but typically over a course of year the other property owners in the area come by and pick it up and use it on their gardens. All the rest of the area to the east, nearly the full mile, is divided up into smaller tracts of 5 to 10 acres in size. They have been developed in small suburban home sites, but they're not platted but they are developed that way. Staff has received a phone call from two property owners who have indicated there are private covenants that prohibit any of these lots from being used for commercial live stock operation. I bring that up only to point out that whether the covenants exist, or whether they are enforceable is not really an issue for staff or for the Commission because they are private, and the County is not a part of those. Any enforcement action will need to occur between the property owners and those who the covenant applies to as opposed to Sedgwick County. Staff is recommending approval subject to conditions on pages three and four. Probably condition G is the primary one. That one limits the number of boarded horses at any one time to be 22 plus any foals that may be stabled with a mare for a period of one year. He could have a maximum of 42 horses on site.

GIBBS If this use or restriction of use you're mentioned by the County, would this application be returned to us for action later?

MILLER If the Conditional Use is approved then he would no longer have nonconforming rights. But if it is denied then he could have as an option, to have County Code Enforcement determine what non-conforming rights he has, and he would be restricted to those subject to refiling similar case at a later date.

GIBBS If we refused, and the County determines later can he's not allowed to do what he wants to do, then can he reapply?

MILLER He would have to wait a year to reapply for the same application. If he modifies it to somewhat of a significant degree, then he could re-file, but he can't re-file the same case.

GIBBS I understand that this has been a Conditional Use type situation since the current owner moved in or took over.

MILLER Technically there has not been any Conditional Use that has been granted for this site, but the original property owner indicated that they had been doing their stuff since 1976, which would pre date Countywide zoning.

WARNER You mentioned restrictive covenants; are there restrictive covenants and have they been filed? Are they on record?

BISHOP This is an application for a Conditional Use to permit horse boarding, breeding training stable and riding arena, that if we approved it would run with the land, but that's the only thing it could be utilized for correct?

MILLER Plus whatever uses are allowed by-right in the RR district.

MITCHELL Item C and item I, references to Wichita Sedgwick County Health Department and County Code Enforcement and Health Department.

MILLER They don't exist anymore. I should have taken the Wichita-Sedgwick County part out.

MITCHELL Item D, E, F, G, J and K where did those recommendations come from?

MILLER Those all came from the old Health Department.

MITCHELL Are they recommended by County Code Enforcement?

MILLER I assume they are, these are the same conditions we've used on every horse stable case since I've been here.

MITCHELL If I had a farm next door would I have to comply with any of those?

MILLER Not based on any Conditional Use application. It wouldn't be under County Code Enforcement, I assume it would be a new thing.

BOB PARNACOTT I agree with Dale's earlier comment about the Wichita Sedgwick County Health Department is no longer in existence. That reference should be changed to Sedgwick County Code Enforcement. As far as conditions that may pre-date that time, within the last couple of years we have changed our animal code provisions. That might impact some of these conditions, and how they should be worded or maybe should comply with the County Animal Code Control resolution. Unfortunately I'm not the attorney that does the animal code stuff, so I'm not as up on that. Aaron Blasé handles that. There may be some need to modify that to comply with our existing County Code provisions.

MITCHELL Would the staff agree with that recommendation?

PARNACOTT Which recommendation is that?

MITCHELL Planning staff. Comply with current County Animal Code.

PARNACOTT Does staff want to impose additional requirements above what our County Code requires in this area?

MITCHELL My understanding is many of these are in excess in what is in the Animal Code today.

PARNACOTT Could be, unfortunately I don't have my code with me.

GAROFALO On page three at the top, if the request is approved and the covenants are upheld, presumably the applicant would be prohibited by the court from using the Conditional Use, is this just an assumption or do you think that will actually happen?

PARNACOTT The way it probably play out is If there are covenants in place that restrict the operation that was permitted by the Conditional Use the court would find that person could not operate.

CHARLES RUDE, APPLICANT 14410 E 47th Street South, I have owned this piece of property since 1990. The folks who owed it before me built a home and the barn and operated this as a boarding facility during the time they owned it. When Fred Ruth passed away, Virginia sold this property to me with the accepted understanding that I continue a horse facility there. My apologies for the proceedings here, and taking up your time, although when I did talk to an agency, I spoke to some of the horse owners about this. It always pays to make sure to get some advice from someone who knows. When I changed the tax rolls, the back eight acres to ag. exclusively, rather than residential, I asked them if I had problems, and if I needed to file anything. They said I was grandfathered in. If there was an operation before 1985 you have a grandfather in there. Another presumption on my part was building the riding arena. That's really the main reason why were here. It's a larger structure. It's a little more visible in a horse operation. You have to have an indoor area to ride, if you don't you are subject to the weather. You wouldn't be riding much. The neighbor south and east of me had put one of these very similar structures up this winter. In talking to him, he said this is ag., it doesn't require some of the conventional permits. That's where we came into a requirement to go ahead and apply for this special use. In doing that it obviously opens the opportunity, which is great, and I welcome the opportunity to hear what some of my neighbors have to say about my facility. I must say up to this point, I'm surprised I'm receiving complaints. I have heard none from any of my neighbors. In fact, most of my neighbors have rooted me on and said they were glad to finally see the place take shape. I try to keep a very clean and organized place. We're surrounded by ag. except for home developments right along 47th. Addressing the smell issue, is one thing that I may follow up with however there's a cattle operation straight south. There's a cattle operation straight north. Unfortunately regardless of what I do, depending on which way the wind blows your going to smell cattle. I do want to hear the neighbors concerns. I'm more than willing to address those. I want to be on good terms as I thought I was with everyone in the area. The fly control is a relatively easy one to address however requiring a spraying once a month during the summer. I certainly would be willing to do that although the flies are relatively minor. Smell, following some kind of restriction for moving manure maybe to a different location, although the location is way away from everyone. The accumulation is very minor, and one thing that helps with that is, all the neighbors that do utilize this composted horse manure combination love it for gardens. I have no problem getting rid of that, it's a great garden compost. I enjoy horses and people as much as horses. I long found out this is a people related project as well as horses. The people who come out to my facility do not have the opportunity otherwise to have horses or come out to classes that I teach. I'm very proud of it. It is a very clean organized looking facility.

EMILY RUDE I'm Chuck's mother. We've owned the farm across the road west since 1952. As he said, the farm is the place for children to go jump out of the back seat of a car and run up to the north end of the field. Farming and their grandparents were very special in their lives. When Chuck had the opportunity to buy this place, we were thrilled for him because a farm facility on this size of place for horses had been his dream. The riding facility is wonderful. He's a good teacher. I wish you could see him. The Indian Center has come out with children to give them their first opportunity to ride horses, and horses had always been a part of their heritage. This was a chance for them to come. This has been a place for children to come who are in trouble, and some of the people who work with troubled children have brought them out to ride, and they're learning to understand what it means to love something, and for that horses to love them back. We are proud of Chuck, and what he's done with horses and with people, and we are glad he has this arena where he can go and ride in the cold and in the rain.

EMORY VANKIRK 15110 W. 47th Street South, it is on the eastern end of this 80 acre tract; the last house to the right. I also own the 10 acres, together with my wife, the land behind all the 10 acres. These are five-acre tracts. I own a total of 62 ½ acres. I'm here to protest this, and also the granting of any legal non-conforming use. I've lived there since 1976. I pass by this almost on a daily basis. All that time I have never seen more than three or four horses outside. Now were consolidating with this recent application; were seeing 12-14 horses visible outside. I also want to note there has never been any sign whatsoever, even on the mailbox, indicating that this is a riding stable or commercial activity. I firmly believe that this is done, and all these horses were kept inside. If they were there, the reason only three or four were manifest outside was to prevent the size of their operation from being discovered. I'm not a horse person. I've been told three to four horses are about the upper limit 10 acres will support without having to bring in feed. In that case, anything in excess to that it becomes a feedlot. My feeling is, and also that this essentially is his operation was being done, and it was started before the gentlemen who owns it now, and he continued the practice up until recently of minimizing the outward appearance to make it look like it was a legitimate residential use conforming to restrictive covenants, and now he wants to use that as a basis for expanding it. Comments about odor have been brought up. I have to note he takes manure and piles it to the extreme northeast corner, which is down wind from him as far away from his house as he can get it. Apparently he doesn't like the odor either. We bought the land immediately behind these 10-acre tracts. South of the cul-de-sac it's in five-acre tracts. Part of the reason for buying that was to provide a future home site for ourselves, and others, that's why it was developed. I wouldn't want to smell this, and everybody in that quarter section. My feeling is I don't think any credit should be given for a covert operation conducted to avoid the detection of the violation of these restrictive covenants, and personally, I think the acquisition of property rights by adverse position cannot be done by hiding the adversity, and that's what's been done here. Since this residential subdivision occurred in 1976, well before zoning, the restrictive covenants were in part of purchase agreement. I wouldn't have bought out there without them. The applicant, apparently under the illusion that time is on his side, he's apparently tired of hiding what he's been doing, he wants to come out in the open. He's trying to turn what was deliberately concealed as a small residential operation into a bigger commercial feed lot operation all in a subdivision with clearly stated covenants filed (I have the copies) for the record, film 180, page 740. This was filed in 1976. At the time this was subdivided, stating commercial live stock operations are not permitted. The bottom line, in my opinion, there are too many horses out there on too small of a tract. Money is a driver allowing this to become legal for zoning is only going to make it worse for all of the years the owner has created a front of being only a three or four residential noncommercial owner. I'm not asking you to enforce the restrictive covenants; I'm not here to do that.

DUNLAP Your time has expired. Do you need more time?

VANKIRK Just 30 seconds.

DUNLAP Thirty seconds, go ahead.

VANKIRK Totally illuminate commercial is like trying to illuminate prostitution, you can't really control what goes on behind closed doors, but all I'm saying is if you approve this you are going to condone an expansion that is against the character of the neighborhood. The character of the neighborhood is all these tracts have restrictive covenants, including the ones to the north and there are limitations in terms of density of cattle or horses per acre.

DUNLAP Your time has expired again. I have a question for you. The property south of that road that terminates into a cul-de-sac, north of the applicant area, do you own all that property?

VANKIRK Yes, I do.

DUNLAP Have you platted that?

VANKIRK I've applied for it. I paid the fees. I got delayed because of my employment situation. It's been submitted, I paid the fees.

VANKIRK If anyone wants to see restrictive covenants, I have copies.

DUNLAP They may be there, but that's not our concern.

VANKIRK The only reason I bring it up is because you asked earlier. In the discussion you asked if they exist and if they were filed. I have evidence they were filed and they exist.

MARK HUGHES 14616 E 47th Street South I'm probably the closest one. No matter how close you can be, sometimes compared to being a distance way off to the rear behind that house, behind that street, the manure smells. If the wind is out of the west, you will get it, and even you take and scrape it up and put in the back of the property, the smell of it when you get that many horses and it's fresh, it's there. I'm opposed to it. I'd like to echo some of what Vankirk said.

WARNER How long have you lived at that location?

HUGHES Since 1979.

WARNER When you moved out there it was all rural; you didn't expect agriculture? You didn't expect to have any odors from the farm?

HUGHES No odors. When I moved out there the original owner had only two or three horses. You never noticed it. Like Vankirk said, they probably keep them inside. It wasn't really a commercial operation.

WARNER Are you saying the only odor you smell are originating from that location?

HUGHES Originate, yes.

DUNLAP Applicant, you have two minutes to answer any of their questions or offer any rebuttal, if you like.

CHARLES RUDE, APPLICANT I want to reemphasize that I want to address any concerns that have to do with the neighbors, and I wish years ago they had come to me. As far as the numbers of horses, they haven't changed much, and I do have the boarding agreements that date back to 1990. That shows there were quite a few horses boarded out there, and we did turn them out back in pasture so it can be misleading. I could understand where you could possibly not see as many. We have to turn those horses out everyday. We don't leave them in stalls. As far as odor, I have a gal that comes out everyday and we keep that place very clean. It's more not for; not necessarily for the neighbors although it's an obvious concern. It's for the boarders themselves. The owner's of the horses, when they come out, they want to see a clean well kept environment, and they don't want to smell odors. I can guarantee we address that. Now, if that is the Commission's concern we certainly can address that further. I hope to be in compliance in our application, and I want to be with the neighbors as much as I possibly can.

BISHOP Mr. Rude, I'm sure there will be some discussion of the conditions that are part of the staff recommendation, do you have a problem with any of those conditions?

RUDE No, the conditions I feel are very fair. In fact, I think a positive element of this meeting; it will establish some type of a format for what is going on over there. As far as the sign up front, I never needed one. I've never had a problem bringing with, bringing in or keeping the barn full. The conditions are certainly something that I'm willing to work within and stay in compliance with. At least with nothing else, it gives all the neighbors on this line some idea of what I'm doing, but that also says what the guidelines are, and what to expect.

GAROFALO Could you address the concerns about the number of horses. Since we specify numbers here in the conditions, it does sound like 22 or more horses might be quite a few horses for 10 acres.

RUDE What we have to look at is stall count. I have 16 stalls in this barn, 16 of those horses are kept in the barn, and your absolutely right, there is a large percentage of the time when they are not turned out, in fact generally we only turn these numbers in the barn out for a couple of hours everyday for exercising purposes. When they're in the stalls, that's the reason for having a barn help individual to pick those stalls. We go through each of those stalls, add new pine shavings, take old pine shavings out. It's a rotational cleaning system. If we were to limit it to 22 horses, we have 16 in the barn; we have 6 out in the pasture basically full time. The rest are turned out for a limited time. To address the feedlot concept, this is far from a feedlot. This is very clean. We go through and clean those every single day.

MITCHELL It's my concern that at least part of these recommendations for house keeping are in excess for what is needed, and probably not in compliance with the current code. Would you object to a deferral until the County can bring their Animal Code

provisions, which would apply to this area so that were sure that you're complying with the current code, and not things that may be excessive and not in the code?

RUDE I'd certainly be in agreement with anything that you want to do sir, if you'd like to do that sure.

DUNLAP Close the public hearing and return to the bench.

MOTION: Close the public hearing. Defer for two weeks, to allow the County Code Enforcement opportunity to make their recommendations so that this Conditional Use application would be in compliance with their Animal Code and review by the County Counselor's Office before it comes back to the Commission.

DUNLAP John is that something staff can handle?

HENTZEN Mr. Mitchell would you include in your motion that the public hearing has been held, and were not going to have another public hearing. We are going to gather some information from the County and then make our decision.

MITCHELL Yes, Mr. Hentzen, I will include that in my motion.

BISHOP I'd like to address that amendment to the motion. Up to that point I think I was in favor of it. I think we've learned from the experience at the previous meeting where that was done. We get in trouble in terms of the public's perception of what it is were doing when we try to close off the opportunity for people to speak.

DUNLAP I'd like to make a comment on that, I agree with you. However, today all of the people who might have objected knew that the decision would have been made today, and we've heard them. I don't think we'll create additional people who will object by deferring it.

MITCHELL moved, **GAROFALO** seconded the motion, and it carried (8-1) **BISHOP** opposed.

DUNLAP For your benefit, you know what we've just done here is have not acted on the request. We have asked that the County get involved with the current codes that they have regarding animals, and apply that to this application so we can see what will be legal and will come back in front of us in two weeks. At that point we will only have staff talk to us about what the County said.

❖ **PLANNING COMMISSION ITEMS**

5. **Case No.: DR2004-07** - Request The City of Kechi seeks annexation of lands east of Woodlawn Road and North of Highway 254, adjacent to The City of Kechi.

The City of Kechi is considering the unilateral annexation of three tracts of lands located east of Woodlawn Road and north of Highway 254. The proposed annexation area falls within the Small City Growth area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in 2002. Staff recommends that the Metropolitan Area Planning Commission find the unilateral annexation proposed by Resolution No. 04-520 of the City of Kechi to be consistent with the adopted Wichita-Sedgwick County Comprehensive Plan

DAVE BARBER Planning staff presented report.

BISHOP I think you may have just explained this, I noted that the language in the recommendation action is slightly different on item #6 ... it says substantially compliant and item # 5 says consistent.

BARBER That's what I meant.

MITCHELL Both of these indicate that there is no plan for servicing these 2 areas that they are proposing to annex.

BARBER We received no service plans. That doesn't mean there isn't one. We've just not received it.

BISHOP We never do.

BARBER We never do hear from the small cities.

MITCHELL Do you receive an application without a plan to provide services, in spite of the fact the plan says they should provide that information?

BARBER All you have to do, as a Commission is determine whether or not the annexation area is consistent with the growth areas identified for the small cities. You don't have to make a determination of whether they're able to deliver services to it. That is a matter that the Sedgwick County Board of Commissioners will address 5 years hence because they have a process independent that will review, in a 5 year period, whether proper municipal services have been delivered to any tract that's been unilaterally annexed by any city in Sedgwick County.

DUNLAP That's almost correct, they don't have to look at whether the required services been provided ... what they have to look at is whether the planned services have been provided. There are some annexations where there are no services planned, and it's pretty easy to meet that requirement.

BARBER In the case of the unilateral, correct me if I'm wrong Bob, there has to be a service plan submitted under State Statute right?

BISHOP At what point does that have to be submitted?

PARNACOTT When we're talking about unilateral annexation, we're referring to annexation where the land owner has not consented to the annexation, so there's a process that starts with the City adopting resolution. At that time, the City is also preparing a service plan that is made available for people to come in and inspect ... they have a 60 day period of time then they have to hold a public hearing where they discuss the service plan and allow people to come speak either for or against the annexation. At the conclusion of that hearing, they can then formally approve the annexation and publish their ordinance that will make the annexation official. Five years later after the date the annexations become official, the Board of County Commission is required by Statute to have a hearing to determine whether the services that the City said they were going to provide in their service plan have been provided.

DUNLAP Our purpose here today is to vote on whether or not these 2 annexations comply with the Comprehensive Plan. That's our only purpose here today.

MITCHELL You're saying they had to do enough planning to put in their Ordinance how they were going to serve these areas as part of their initial Ordinance to annex?

PARNACOTT That's not part of their Ordinance ... you start with a Resolution, which is an intent to annex the property. At that time, the City prepares a service plan which has some statutory requirements ... they have to provide information about the area they intend to annex ... what the existing utilities are ... maps are prepared and then some verbiage about how all of this is going to be paid for. At the end of the service plan, there's a schedule of the different services that are talked about ... Code Enforcement Services, Police Services, Fire, Water, Sewer, Street Improvements, a number of types of municipal services that the City intends to immediately extend to that newly annexed area. Sometimes those services will be provided upon annexation, sometimes those services are provided upon petition of the landowners who may want street lights put in or water services. Sometimes, they have street improvements planned for 4 or 5 years down the road so they list in the plan what services they are going to provide, when they are going to provide it, and how they're going to pay for it ... that's all part of the service plan, but not part of the Ordinance.

MITCHELL The answer to our question is ... there is a plan, but we don't have it.

PARNACOTT That's correct ... as I recall, I think all they have to send you is their Resolution showing their intent to annex and the area to annex. Your role is simply limited to finding out if it's consistent with the Comprehensive Plan or not.

MOTION: Approve the recommended action on Agenda item 5 & 6.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (8-1) **MITCHELL** opposed.

6. **Case No.: DR2004-08** – Request The City of Kechi seeks unilateral annexation of land located west of Rock Road, adjacent to the City of Kechi

The City of Kechi is considering the unilateral annexation of a tract of land located west of Rock Road, adjacent to the City of Kechi. The proposed annexation area does not fall within the Small City Growth area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in 2002. However, based upon the expansions that have occurred to the City of Kechi boundaries since 2002, it appears that this tract could be efficiently serviced and maintained by the City of Kechi. Staff recommends that the Metropolitan Area Planning Commission find the unilateral annexation proposed by Resolution No. 04-521 of the City of Kechi to be substantially compliant with the intent of the adopted Wichita-Sedgwick County Comprehensive Plan

MOTION: Approve the recommended action on Agenda item 5 & 6.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (8-1) **MITCHELL** opposed.

Other matters/adjourment

7. **Presentation and discussion on "2004 Development Trends" (document previously provided)**

STEPHEN BANKS Planning Staff presented the report. Wichita and Sedgwick County continue to see population growth at a moderate rate. Most of this is due to families maturing and dividing into separate households as well as having a low interest rate. The demand for housing has continued in the area, I would point out on pages 2 and 3 the numbers that show up in table 1 for the 2030 population are the same as last year. They do not reflect the work that we are currently doing for the Comprehensive Plan update; we are still in the process of doing that as we wind up talking to the small cities throughout the County about their population and growth. We've learned a lot from them on how things have changed over the last 5 years. The Employment level has continued showing decline in 2003, but we've actually been helped by the construction boom for USD 259 in terms of what we've seen in building permits for the locality. Annexation by small cities close to Wichita has continued to be recorded at record levels. In the long run I think there's going to be an impact from Wichita's growth into the small cities as Wichita's growth spills into those communities that we now have a common city limit with. That is something that we're trying to address in the Comprehensive Plan update. In terms of Subdivision activity residential lots are up overall. The Northwest continues to have the greatest increase, but

the East has come up in numbers and the Northeast has gone down a little this time around. A lot of that is due to development in the Four Mile Creek area. Commercial Subdivision activity is overall down. I think that's a result of the economy. In terms of buildable vacant lots, they are increasing more than demand. Regarding building permits, residential northwest continues to see the greatest activity, and the east side has overtaken the northeast as old subdivisions are regaining momentum in the Four Mile Creek sewer service area. The central SDA has nearly doubled in the number of permits compared to the 5 year average and we keep seeing different projects pop up exceeding our expectations. USD 259 saw the largest number of permits within it's district but it decreased enrollment which means the private schools are playing a larger role in terms of school attendance in the area. In terms of commercial construction there was a 5% increase in the value of projects but the number of permits is down from the 2001 high of 1,093 permits. Nearly one third of the value of construction in 2003 is attributable to the USD 259 bond program 12 of the top 20 projects were schools. One of those was in Maize and another was in Clearwater. A lot of economic construction activity is being fueled by school projects and that's not going to last forever.

MITCHELL On Page 1, highlight #2, you've already answered the population figures in the 2nd paragraph the highlights are not was presented for use in the Comprehensive Plan Update, so we are going to be looking at bigger numbers than these represent?

BANKS These are still based upon the last Comprehensive Plan Update of 1999. Some of the small cities are going to see increases. Overall, we are using the same control total for Sedgwick County that we had in the previous Comprehensive Plan Update.

MITCHELL On Page 21 highlight #3, a 3.5 year inventory is available, do you have any idea how many lots in that inventory had been available for a number of years and haven't been used because of some economic device, location, some reason why even though they're platted there not in the current mix what's developing. Are we talking 5% or 90%?

BANKS It's not 90%, it had been fairly high, especially in the East SDA in the Four Mile Creek area, but a lot of those subdivisions have regained momentum and those are being used up. It is more economical that it had been to build over there now than with permitting applications that had to be made when it was a County facility. We have not perfected our GIS to the point where we can pinpoint what is being used and not being used. I would have to go back to our tables manually and look up each subdivision to see what's been on the books for a while.

MITCHELL Would it be advantageous for us to know if there is a pocket of those in an area that we might look at, and see how that area could be redeveloped. If it's not moving now, there's a reason. We might look at what could be done to take that land and put into a different use or different application and get something moving in that area.

BANKS I don't know, it would be a separate project that we can work into our work program at some point.

MITCHELL I certainly think it will be of value to do that if the information is available, and it can be minimal so it's practical to do it.

BANKS We'd have to do a little bit of preliminary research and see what might be done and see where we can put it into the work program.

MITCHELL On Page 29 highlight #3 talks about demolitions and the number that have occurred in the central area 93%.

BANKS 93%?

MITCHELL Estimated that 93% of all demolition occurred in the central development area, Page 29 highlight #3.

BANKS 71%

MITCHELL Mine says 93.

BANKS Are you looking at the 2004 report?

MITCHELL No, 2003. All right 71%, you may have a different map than I do also. There were several sections showing high demolition rates in the eastern part and there are some by Park City, some clear over by 143rd but I will forego that question. I'm not using the current report. Even then I did note that the development industry in total produced 1.3 billion dollars worth of activity. That is a significant thing that is in part what this body had some influence over. I think we should all be aware that if we look at micro problems on bi weekly sessions we really ought to be looking at overall affect of what this body does in building and development of this area.

WARNER You mentioned that the inventory of unused lots was growing.

BANKS Yes.

WARNER You also indicated that maybe there's something we should do about that. How would you do that without a moratorium or how can this body deal with that?

BISHOP What's the definition of an unused lot?

BANKS Vacant buildable lots are lots that have sewer, water and road already installed.

BISHOP They may be being used.

BANKS They're vacant right now, a permit has not been pulled to build on the lot. That's why it's called vacant.

BISHOP What about Agriculture uses, do you take that in account as a use?

BANKS I would imagine that if you've got road, sewer and water your not going to be farming it.

BISHOP it's the access of utilities.

WARNER If the inventory is excessive, we should be concerned with that, how does this body concern it's self if we've got prior developers bringing plats to be approved I don't think were sitting in a position that we can deny them on the basis that the inventory is too high.

SCHLEGEL I think the fact is that we put this report out and put that data out there for the development community. Then they will make the assessment about whether or not they want to bring plats in based on that inventory, and when the inventory gets too big and supply gets too far away from demand, then they will start adjusting the number of plats that they submit. I don't think Stephen was doing anything other than put the report out.

DUNLAP To summarize, it's still a market driven situation.

BANKS I think another thing that developers might do is put off improvements for the next phase and let things catch up.

DUNLAP One other item I'd like to bring up because he's sitting here, the President of the Wichita Area Builders Association appears to be in control of the committee that meets for the fringe area development plans for the County and I'd like to know what next step is.


WES GALYON Wichita Area Builder's Association. As you know for sometime there has been a working group working toward a development of a Sedgwick County Urban Fringe Development standards. John has been trying to put all the various comments and suggestions and recommendations and what has you together there is a draft that's dated the 23rd of June. I just met with Bill Buchanan today on one issue having to do with road paving and I think were probably be able to come to terms with that. Call a group working group back together, there's a few questions that need to answered yet but I think were very close to having a standard that we can move forward and have placed on the Sedgwick County Commission Agenda for their consideration. Essentially what this deals with is what your able to do in the 2010 urban service area and the 2030 urban service area. What types of things would be allowed in terms of public improvements and then community sewerage systems, it addresses density issues, it addresses road paving issues, and what triggers the paving of roads and how they get paid for and the developer contribution to that, it addresses the supply of water if it's not provided by an urban utility. Who would have the rights to it and who would be willing to convey rights to whom various rights and time and so on. I think were to the point where were going to have pretty good balance in terms of how we move forward and picking up little higher density closer in and essentially this policy is designed to allow developers and units of governments to work together to encourage growth in a continuous fashion and allow growth where we may not have urban facilities available yet but will have in an area in the future. It addresses the 5-acre tract deal in terms of forcing people into 5 acre and larger parcels that people didn't really want but had to buy. Variety of things addresses here it's been a working process for several y ears.

DUNLAP Sewer system included.

GALYON Yes.

DUNLAP I don't know how soon we can expect to see that coming to us from County Commission but I wanted Wes to be able to tell you what was going on, were constantly getting asked that question when plats come in what about sewer what about water what about road this may clarify that.

BISHOP And drainage.

GALYON Let me tell you something about the drainage issue, its not a part of this but it's really  to this we have opened a dialogue with Sedgwick County Public Works and Engineering about back yard drainage issues relating to larger lot developments. The backyard drainage standards that were developed for urban developments that were use to seeing here every week is in place we have also reopened the dialogue on that because it's not a complete process and some the things the City must be willing to do in order to make this thing work. We've spent a lot of money on a lot of details put on plats and drainage plans that you see but there's still some problem further down the line and the process needs to be addressed how they're going to be dealt with. We can't do anything a point where we plat we do all the engineering we build property per drainage plan we have the verification done but once we turn loose that property were out of the picture. We can't control what a homeowner does. Drainage is a serious issue and we deal with that quite a bit. The County Commissioners have told me that once the working group is satisfied with this they figure they can have on their agenda in a couple of weeks.

DUNLAP There's one other quick item I'd like John to tell you want he's going to do for the small cities on the 31st.

SCHLEGEL I'm going to give a report on 2 things. One is the expanding the membership on the MPO. Expansion will include 2 seats for the small cities within Sedgwick County, I'm going to the Sedgwick County association of on the 31st and present to them a couple of options how they can do that in essence they would get 2 seats at the table there's a couple of ways they can go about picking the cities to represent that body. The other thing I'm going to report to them on the progress were making in designating growth area for the update to the Comprehensive Plan. We've been going through the process of talking with all of the small cities about our growth projection and where we think that growth is going to occur within Sedgwick County. We've asked them as part of that conversation, where they think they're going to grow, where they're plans are for growth. What were getting back are some pretty ambitious plans and a great deal of overlap between jurisdictions. We had been trying to promote the idea with the planning summits, which we helped 3 of that they ought to be sitting down, and working out any conflicts between themselves and some have

done that. But for the most part, they are feeling that they need to lay claim over large expanses of territory including areas that are being claimed by their neighbors. What I want to do is lay out graphically with a map where all these overlaps and potential conflicts are. Try to get growth boundary worked out. Untimely this body will be drawing some lines on a map to designate where those designated areas should be.

JOHNSON had additional comments about (Item 4) Case No.: CON2004-21. He commented that it might be helpful if Sedgwick County Code Enforcement and the County Attorney's Office determined if the property owner has certain rights since they have been there since 1976. What if he comes back with records showing that he has had 22 horses there since 1992?

SCHLEGEL We can ask that question. His response was that I do not want to do that if you are going to approve the conditional use. We will try again.

The Metropolitan Area Planning Department informally adjourned at 3:29 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2004.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)